

Notice of Allowability

Application No.

10/088,175

Applicant(s)

BENSCH ET AL.

Examiner

Hoa Q. Pham

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 2/22/07.
2. ☒ The allowed claim(s) is/are 1-7, 10, 13, 14, 16, 18, 19, 21-30 and 37-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/22/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

There was no prior art found by the examiner that suggested modification or combination with the cited art so as to satisfy the combination of all the limitations in claims 1, 22, 25, 27 and 37.

a. Klein (WO 96/31764) and Altemose et al (WO 98/46984) are two closest references; however, Klein discloses two different embodiments (particle detector or water content sensor) and there is no embodiment discloses both optical particle counter and water content sensor. Altemose et al discloses a method and system for sensing water in liquids comprises both "water sensor" and "temperature sensor" and does not disclose any "optical particle counter".

b. There is no reason or motivation to combine both Kline and Altemose et al so that to obtain a system having **both water sensor and optical particle counter and the interrelationship between them** as now claimed in the present invention; especially, the limitation "a processing circuit operatively coupled to at least one of the water sensor and the optical particle counter, **wherein the processing circuit signals implications of the water content on the particle count**".

c. With respect to the IDS filed on 2/22/07, the references have been considered and signed, a copy of form PTO- 1444 is attached. The closest references Schmitt et al (3,238,452) and Kasten (3,357,236) which disclose a contamination indicator system which distinguishes between solid and water contamination; **however, the references do not teaches an "optical particle counter" instead of using a "filter cell"; in**

addition, the **“Wheatstone bridge network (20)”** in Schmitt et al is not used for **implicating of the water content on the particle count.**

d. As to claims 1 and 27, the prior art of record, taken alone or in combination, fails to disclose or render limitations **“a processing circuit operatively coupled to at least one of the water sensor and the optical particle counter, wherein the processing circuit signals implications of the water content on the particle count”**, in combination with the rest of the limitations of claims 1 and 27.

e. As to claim 22, the prior art of record, taken alone or in combination, fails to disclose or render limitations **“a valve arrangement coupled to the processing circuit, wherein the processing circuit and the valve arrangement are arranged to direct non-aqueous liquid away from the optical particle counter in accordance with the signal indicative of the water content”**, in combination with the rest of the limitations of claim 22.

f. As to claim 25, the prior art of record, taken alone or in combination, fails to disclose or render limitations **“a valve arrangement coupled to the processing circuit; and a bypass line coupled to the valve arrangement and arranged to bypass the optical particle counter”**, in combination with the rest of the limitations of claim 25.

g. As to claim 37, the prior art of record, taken alone or in combination, fails to disclose or render limitations **“in response to the water content indication either (1) directing the non-aqueous liquid into an optical particle counter and generating a signal indicative of the number of particles in the non-aqueous liquid or (2)**

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directing the non-aqueous liquid away from the optical particle counter”, in combination with the rest of the limitations of claim 37.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 8:00AM TO 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hoa Q. Pham
Primary Examiner
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HP
March 18, 2007